

REMARKS

In the Office Action mailed on June 11, 2007, the Examiner rejected claim 1 under 35 U.S.C. § 102(b) as being anticipated by Japanese Publication No. JP 2001-320227 to Matsumoto et al. ("*Matsumoto*"); rejected claim 1 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,311,638 to Ishii et al. ("*Ishii*"); and rejected claims 2-5 as being unpatentable over *Matsumoto* in view of U.S. Patent No. 5,621,331 to Smith et al. ("*Smith*").

By this amendment, Applicant has amended claims 1 and 4 and cancelled claims 2 and 3. No new matter has been added.

Applicant respectfully traverses the rejection of claim 1 under 35 U.S.C. § 102(b) as being anticipated by *Matsumoto*. To anticipate a claim, a cited reference must teach every element of the claim. M.P.E.P. § 2131.01 (8th ed. 2001, revised August 2005). Because *Matsumoto* does not disclose each and every element recited in independent claim 1, the rejection under 35 U.S.C. § 102(b) is improper and should be withdrawn.

For example, amended independent claim 1 recites a processing apparatus, including, among other things, "a load matching device adjustment calculation unit for calculating an amount of adjustment ... to match the impedance of said processing chamber with the impedance of said microwave oscillator ... an adjustment signal output unit for transmitting as an adjustment signal a calculated amount of adjustment multiplied by a predetermined value smaller than 1...." *Matsumoto* does not teach at least a load matching device adjustment calculation unit for calculating an amount of adjustment ... to match the impedance of said processing chamber with the impedance of said microwave oscillator ... an adjustment signal output unit for transmitting as an

adjustment signal a calculated amount of adjustment multiplied by a predetermined value smaller than 1. Therefore, because *Matsumoto* does not teach every element of amended independent claim 1, the rejection of amended independent claim 1 under 35 U.S.C. § 102(b) is improper and should be withdrawn.

Applicant respectfully traverses the rejection of claim 1 under 35 U.S.C. § 102(b) as being anticipated by *Ishii*. Because *Ishii* does not disclose each and every element recited in independent claim 1, the rejection under 35 U.S.C. § 102(b) is improper and should be withdrawn.

For example, amended independent claim 1 recites a processing apparatus, including, among other things, “a load matching device adjustment calculation unit for calculating an amount of adjustment ... to match the impedance of said processing chamber with the impedance of said microwave oscillator ... an adjustment signal output unit for transmitting as an adjustment signal a calculated amount of adjustment multiplied by a predetermined value smaller than 1....” *Ishii* does not teach at least a load matching device adjustment calculation unit for calculating an amount of adjustment ... to match the impedance of said processing chamber with the impedance of said microwave oscillator ... an adjustment signal output unit for transmitting as an adjustment signal a calculated amount of adjustment multiplied by a predetermined value smaller than 1. Therefore, because *Ishii* does not teach each and every element of amended independent claim 1, the rejection of amended independent claim 1 should be withdrawn and the claim allowed.

Applicant respectfully traverses the rejection of claims 2-5 as being unpatentable over *Matsumoto* in view of U.S. Patent No. 5,621,331 to Smith et al. (“*Smith*”). To

establish a *prima facie* case of obviousness under 35 U.S.C. § 103(a), each of three requirements must be met. First the reference or references, taken alone or combined, must teach or suggest each and every element recited in the claims. M.P.E.P. § 2143.03 (8th ed. 2001, revised August 2005). Second, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to combine the references in a manner resulting in the claimed invention. *Id.* at § 2143.01. Third, a reasonable expectation of success must exist that the proposed modification will work for the intended purpose. *Id.* at § 2143.02. Moreover, each of these requirements must “be found in the prior art, and not be based on applicant’s disclosure.” *Id.* at § 2143.

Neither *Matsumoto* nor *Smith*, taken alone or in combination, teach or suggest each and every element of independent claim 1 as amended to include the subject matter of claims 2 and 3. For example, amended independent claim 1 recites a processing apparatus, including, among other things, “a plasma detection unit that detects generation of plasma in said processing chamber, configured such that if said plasma detection unit determines that no plasma is being generated, said adjustment signal output unit transmits an amount of adjustment, which said load matching device adjustment calculation unit has calculated, as an unmodified adjustment signal....” The Examiner cites to *Smith* alleging that *Smith* teaches a photosensitive detector that indicates if plasma conditions exist and a data processor which considers stub positions related to formation of plasma or a particular plasma chemistry. Office Action at 4-5. However, neither *Matsumoto* nor *Smith*, taken alone or in combination teach that if said plasma detection unit determines that no plasma is being generated, the adjustment

signal output unit transmits an amount of adjustment, as an unmodified adjustment signal. Because neither of the cited references, taken alone or in combination, teaches each and every elements of the claims, the pending claims should be allowed.

Applicant respectfully submits that the Office Action contains numerous assertions concerning the related art and the claims. Regardless of whether those assertions are addressed specifically herein, Applicant respectfully declines to automatically subscribe to them.

In view of the foregoing amendments and remarks, Applicant respectfully requests reconsideration of this application and timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

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By: /David W. Hill/
David W. Hill
Reg. No. 28,220